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EXAMINER	
PENDERGRASS, KYLE M	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/892,425	Applicant(s) WANG ET AL.	
	Examiner Kyle M Pendergrass	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☒ Claim(s) *8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 8 is objected to because of the following informalities: the term "wherein" is missing following "...claim 6," and preceding "prior to sensing...". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 13 recites the limitation "the recording member" in page 23, line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-8, & 15-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Foote et al. (US 6,008,826).

Regarding claim 6, **Foote et al.** teach *(column 4:lines 50-51)*, RAM 66 that stores an image as four individual color sub-images which inherently includes overlapping of individual colors to produce a color image of more than four colors. More specifically, two colors can be laid one on to of the other to create the complete and correct color image combined from all of the individual color sub-images. Furthermore, **Foote et al.** teach *(column 4:lines 62-66)* an alignment/registration mark calculation procedure to make image plane adjustments in order to prevent error in the color sub-image alignment. In *column 3:line 60* –

column 4:line 13, **Foote et al.** teach development stations of each color sub-image that form marks (i.e. code strip) on the belt that are sensed by sensors 50 and 50' for misregistration errors. Additionally, in *column 5:lines 29-48*, **Foote et al.** teach that position data is taken from each color developer's marks on the belt, and compared to a reference mark to calculate adjustment parameters (i.e. offset, skew, and/or width errors) for each color sub-image.

Therefore, in reference to the claimed invention in claim 6, the method is accomplished by sensing the marks for one color plane (i.e. a part of the code strip) so registration is correct when that color plane is printed (i.e. when first toner particle is printed). Then, positional data for a subsequent color plane is taken from its mark on the belt (i.e. sensed from the code strip) to fix any registration issues so it's color sub-image (i.e. second toner particle) will line up correctly on top of another color sub-image in the case outlined above where two colors are stacked on top of each other.

Regarding claim 7, **Foote et al**. teach the method of claim 6, wherein the at least two print stations are a first print station comprising the first toner particle and a second print station comprising the second toner particle *(column 3:lines 15-25, color stations 28, 30, 32, & 34 can all be selected to represent a color sub-image/color plane of their own color)*.

Regarding claim 8, **Foote et al**. teach the method of claim 6, wherein prior to sensing a code strip, preparing the code strip by arranging a plurality of fiduciary marks to convey a bi-directional pattern *(column 3:line 60 – column 4:line 13, fiduciary marks of the code strip are formed on belt 22 orthogonal to and at oblique angles to the process direction, providing a bi-directional pattern)*.

Regarding claim 15, **Foote et al.** teach a method of compensating for image misregistration of a pixel produced by a light source *(figure 1, laser scanner 42)* onto an image carrying member surface in an imaging system *(column 3:lines 27-29, laser scanner 42 imparts charge for pixel that is passed to the media sheet on the belt 22)*, the pixel having an uncompensated pixel position that is out of alignment

with an ideal pixel position *(column 4:lines 2-13, sensors use error values to determine the difference between reference, i.e. ideal, and sensed, i.e. uncompensated, marks)*, the method comprising:

sensing fiduciary markings on a code strip affixed onto the image carrying member with at least one sensor *(column 5:lines 29-34, the code strip, which consists of registration marks (i.e. fiduciary marks) formed on the belt 22 (i.e. image carrying member), is sensed by optical sensors 50 and/or 50')*;

the markings measured in at least two orthogonal directions *(column 3:line 60 – column 4:line 1, with respect to process direction, registration markings on belt 22 are orthogonal and at oblique angles)*;

determining the image misregistration as a distance between the ideal pixel position and the uncompensated pixel position *(column 5:line 64 – column 6:line 8, when determining misregistration, actual sensed marks (i.e. uncompensated pixel positions) are compared to proper mark position (i.e. ideal pixel position) and their time differences are multiplied by belt speed to determine a distance. The equation follows: T*s=D, where T is a time unit, s is a distance unit over a time unit and D is a distance unit left after the two time units cancel in the multiplication)*;

and matching the uncompensated pixel position to the ideal pixel position *(column 6:lines 41-45 & 56-65, the difference in distance is corrected/matched in accordance with scan resolution for each machine)*.

Regarding claim 16, **Foote et al.** teach the method of claim 15, wherein the matching step comprises: delaying a formation of the pixel on the substrate by an amount of time corresponding to the image misregistration *(column 5:lines 39-48, adjustment parameters/factors are used to control color placement of the laser scanners/light sources in order to reduce the misregistration. Column 6:lines 57-65, in fixing misregistration, the light source is activated to impart a pixel of charge after a distance, which, column 5:line 64 – column 6:line 8, is proportional to a time unit. Therefore, formation of the pixel is delayed an amount of time corresponding to the distance calculated by the misregistration equation above)*.

Regarding claim 17, **Foote et al.** teach the method of claim 16, wherein the matching step further comprises: determining a time factor based on the image misregistration *(column 6:lines 1-3, the time factor value resulting from subtracting T1C from T2C is based on image misregistraiton).*

Regarding claim 18, **Foote et al.** teach the method of claim 16, wherein the step of determining a time factor further comprises: determining a time factor that is proportional to a magnitude of the distance of the image misregistration *(column 6:lines 1-8, time factor resulting from subtracting T1C from T2C is proportional to the distance by a multiple of belt speed).*

Regarding claim 19, **Foote et al.** teach the method of claim 15, wherein the determining step further comprises: determining a magnitude of the distance of the image misregistration *(column 5:line 64 – column 6:line 8, when determining misregistration, actual sensed marks (i.e. uncompensated pixel positions) are compared to proper mark position (i.e. ideal pixel position) and their time differences are multiplied by belt speed to determine a magnitude of the distance. The equation follows: T*s=D, where T is a time unit, s is a distance unit over a time unit and D is a distance unit left after the two time units cancel in the multiplication).*

Regarding claim 20, **Foote et al.** teach the method of claim 19, wherein the matching step further comprises: determining a time factor that is proportional to the magnitude of the distance of the image misregistration *(column 6:lines 1-8, time factor resulting from subtracting T1C from T2C is proportional to the distance by a multiple of belt speed).*

Regarding claim 21, **Foote et al.** teach the method of claim 20, wherein the matching step further comprises: actuating the light source at a time modified by the time factor *(column 5:lines 39-48, adjustment parameters/factors are used to control color placement of the laser scanners/light sources in order to reduce the misregistration. Column 6:lines 57-65, in fixing misregistration, the light source is activated to impart a pixel of charge after a distance, which, column 5:line 64 – column 6:line 8, is*

proportional to a time unit. Therefore, formation of the pixel is delayed an amount of time corresponding to the distance calculated by the misregistration equation above).

Regarding claim 22, **Foote et al.** teach the method of claim 19, wherein the determining step further comprises: determining a direction of the image misregistration *(column 5:lines 60-63, calculations are accomplished for x- and y- positions)*.

Regarding claim 23, **Foote et al.** teach the method of claim 22, wherein the matching step further comprises: determining a time factor that is proportional to the magnitude of the distance of the image misregistration *(column 6:lines 1-8, time factor resulting from subtracting T1C from T2C is proportional to the distance by a multiple of belt speed)* and that has a sign indicative of the direction of the image misregistration *(column 5:lines 60-63, when determining the time factor for the misregistration, x- and y- signs indicate the direction of image misregistration)*.

Regarding claim 24, **Foote et al.** teach the method of claim 23, wherein the matching step further comprises: actuating the light source at a time modified by the time factor *(column 5:lines 39-48, adjustment parameters/factors are used to control color placement of the laser scanners/light sources in order to reduce the misregistration. Column 6:lines 57-65, in fixing misregistration, the light source is activated to impart a pixel of charge after a distance, which, column 5:line 64 – column 6:line 8, is proportional to a time unit. Therefore, formation of the pixel is delayed an amount of time corresponding to the distance calculated by the misregistration equation above)*.

Claims 10-11 & 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniele et al. (US 4,837,636).

Regarding claim 10, **Daniele et al.** teach an image forming apparatus having a movable organic photoconductor member *(column 3:lines 38-40, printer 5 having photoreceptor 10)*, the combination of:

(a) a series of discrete fiduciary marks arranged in at least one row about the circumference of the photoconductor member, the row of marks extending in a direction parallel to the direction of movement of the photoconductor member *(column 5:lines 55-50, photoreceptor 10 with row 81 of fiduciary marks around photoreceptor circumference)*;

(b) at least one image sensor, positioned so that the at least one sensor views a portion of the photoconductor member including at least two of the marks (*column 5:line 61 – column 6:line 3, motion sensor 9 has a scanning array of sensors 85 that parallel to the direction of movement of the photoconductor member*);

(c) means for operating the at least one sensor to repeatedly scan the photoconductor member portion and the marks currently viewed by the at least one sensor whereby to output on each scan a block of image signals representing the image presented by the photoconductor member portion with the marks, the image changing as the photoconductor member with the row of marks moves past the at least one sensor; and (d) means for converting the blocks of image signals into a clock signal representative of the velocity of the photoconductor member (*column 5:line 61 – column 6:line 3, sensor array is positioned above the motion of the fiduciary marks. column 6:lines 26-31, a clock signal representative of the velocity of the photoconductor is generated. figure 5 illustrates image signals that are created from the sensors that sense, column 8:lines 24-59, position of the photoconductive member).*

Regarding claim 11, **Daniele et al**. teach the apparatus of claim 10 in which the clock signal is representative of the position and velocity of the photoconductor member *(column 6:lines 26-31, a clock signal representative of the velocity of the photoconductor is generated. figure 5 illustrates image signals that are created from the sensor array that senses, column 8:lines 24-59, position of the photoconductive member. In figure 6, the motion sensor 9 outputs clock signals that are tied to the position signals).*

Regarding claim 13, **Daniele et al**. teach an image forming apparatus having a movable organic photoconductor member *(column 3:lines 38-40, printer 5 having photoreceptor 10)*, the combination of:

(a) a series of discrete fiduciary marks arranged in at least one row about the circumference of the recording member, the row of marks extending in a direction parallel to the direction of movement of the organic photoconductor member *(column 5:lines 55-50, photoreceptor 10 with row 81 of fiduciary marks around photoreceptor circumference)*;

(b) a stationary array having at least one row of image sensors, the longitudinal axis of the array being parallel to the direction of movement of the photoconductor member with the array positioned so that the row of sensors view a portion of the photoconductor member including at least two of the marks (*column 5:line 61 – column 6:line 3, motion sensor 9 has a scanning array of sensors 85 that parallel to the direction of movement of the photoconductor member*);

(c) means for operating the array to repeatedly scan the photoconductor member portion and the marks currently viewed by the row of sensors whereby to output on each scan a block of image signals representing the image presented by the photoconductor member portion with the marks, the image changing as the photoconductor member with the row of marks moves past the array (*column 5:line 61 – column 6:line 3 & column 6:lines 26-31, sensor array is positioned above the motion of the fiduciary marks and, figure 5, image signals are created)*; and

(d) means for converting the image signals into position control signals representing the instantaneous position of the photoconductor member (*column 8:line 41-59, instantaneous position is evaluated).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foote et al. (US 6,008,826) & Agano (US 5,930,567).

Regarding claim 25, **Foote et al**. teach the method of claim 15, wherein the imaging system includes a light source *(figure 1, laser scanner 42)* producing a pixel having an uncompensated pixel position that is out of alignment with an ideal pixel position; the determining step comprising:

determining the image misregistration as a distance between the ideal pixel position and the uncompensated pixel position *(column 5:line 64 – column 6:line 8, when determining misregistration, actual sensed marks (i.e. uncompensated pixel positions) are compared to proper mark position (i.e. ideal pixel position) and their time differences are multiplied by belt speed to determine a distance. The equation follows: T*s=D, where T is a time unit, s is a distance unit over a time unit and D is a distance unit left after the two time units cancel in the multiplication)*;

and matching the uncompensated pixel position to the ideal pixel position *(column 6:lines 41-45 & 56-65, the difference in distance is corrected/matched in accordance with scan resolution for each machine)*.

Foote et al. do not teach the light source as an array of light sources.

However, **Agano** teaches in *column 4:lines 46-53*, optical means as a light emitting diode array.

Accordingly, it would have been obvious to one skilled in the art at the time of the invention to have used the diode array taught by **Agano** in the system taught by **Foote et al.** because the teachings of **Agano** add more design versatility the light source design choice of **Foote et al.**

Claims 12 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniele et al. (US 4,837,636) & Tsuruoka et al. (US 6,160,978).

Regarding claim 12, **Daniele et al**. teach the apparatus of claim 10 or 11, but do not specifically teach the apparatus in which the movable photoconductor member comprises an endless photoreceptor belt.

However, **Tsuruoka et al.** teach a endless photoconductor belt (*column 8:line 42 & figure 4, endless transfer belt 4).*

Accordingly, it would have been obvious to one skilled in the art at the time of the invention to have used a endless photoconductor belt as taught by **Tsuruoka et al.** in the apparatus taught by **Daniele et al**. because it is less apt to ripping at the seams.

Regarding claim 14, **Daniele et al**. teach the apparatus of claim 13, but do not specifically teach the apparatus in which the movable photoconductor member comprises an endless photoreceptor belt.

However, **Tsuruoka et al.** teach a endless photoconductor belt *(column 8:line 42 & figure 4, endless transfer belt 4)*.

Accordingly, it would have been obvious to one skilled in the art at the time of the invention to have used a endless photoconductor belt as taught by **Tsuruoka et al.** in the apparatus taught by **Daniele et al**. because it is less apt to ripping at the seams.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniele et al. (US 4,837,636) & Foote et al. (US 6,008,826).

Regarding claim 1, **Daniele et al.** teach an imaging system *(fig 1)* to create a toner particle stack that compensates for image misregistration, the imaging system comprising: a printing station *(column 4:lines 4 & 14, development station C and transfer station D)*; at least one sensor *(column 5:line 61, motion sensor 9)*; a belt *(column 5:line 5, photoreceptor 10)* comprising a code strip *(column 5:lines 55-57, row 81 of fiduciary marks)*, wherein the code strip is disposed adjacent to the at least one sensor *(column 5:lines 61-66, sensor 9 is in line/adjacent with code strip 81)*. **Daniele et al.** do not teach at least two printing stations.

However, **Foote et al.** teach at least two printing stations *(column 3:lines 15-25, developer stations 28, 30, 32, & 34)*.

Accordingly, it would have been obvious to one skilled in the art at the time of the invention to have used the multiple printing stations taught by **Foote et al.** in the system taught by **Daniele et al.** because the teachings of **Foote et al.** allow specific colors to be separated for fixing to a sheet of paper.

Regarding claim 2, the claim rejection of claim 1 is representative of claim 2. See **Daniele et al.** teachings wherein the code strip includes a plurality of fiduciary marks *(column 5:lines 55-60, code strip 81 consists of multiple fiduciary marks in the form of holes)*.

Regarding claim 3, **Daniele et al. & Foote et al.** combine to teach the imaging system of claim 2. **Foote et al.** teachings further include wherein fiduciary marks on a belt that are arranged to convey a bi-directional pattern *(column 3:line 60-column 4:line 13, fiduciary marks are formed on belt 22 orthogonal to and at oblique angles to the process direction, providing a bi-directional pattern)*.

Accordingly, it would have been obvious to one skilled in the art at the time of the invention that the bi-directional fiduciary mark pattern taught by **Foote et al.** improves the in the imaging system taught by **Daniele et al.** because it allows multiple directions of misregistration to be analyzed

Regarding claim 4, the claim rejection of claim 2 or 3 is representative of claim 4. See **Foote et al.** teachings wherein each fiduciary mark comprises a first segment and a second segment disposed at an angle to the first segment *(figure 4, markings 102 and 104 & column 3:line 65 – column 4:line 1, second line is set at an oblique angle to process direction, which could include either acute or obtuse angles)*.

Regarding claim 5, the claim rejection of claim 1 is representative of claim 5. See **Foote et al.** teachings wherein the code strip is an image printed upon the belt *(column 3:line 60-column 4:line 13, marks are imprinted on the belt 22)*.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniele et al. (US 4,837,636) & Agano (US 5,930,567).

Regarding claim 9, **Daniele et al.** teach in a non-impact printer *(figure 1, printer 5)* having a moving organic photoreceptor *(column 3:lines 38-40, printer 5 having photoreceptor 10)*, fiduciary marks on the moving photoreceptor surface *(column 5:lines 55-57, photoreceptor 10 with row 81 of fiduciary marks)*, an

image information data signal source *(column 5:lines 15-18, array 71 provides electric image signal in the printer 5)* and a suitable optical means *(column 5:lines 38-48)* to focus a beam onto a charged photoreceptor 10 in accordance with the content of the image signal (i.e. cycling a predetermined activation interval followed by an inactivation in order to form the image). **Daniele et al.** further teach the method comprising:

monitoring the motion of the photoreceptor to generate a timing signal representative of the photoreceptor motion *(column 6:lines 25-68, clocking is used to monitor photoreceptor speed)*;

and delaying input of the data signal to the diode array in response to variations in the timing signal by varying the duration of the interval of diode non-actuation while maintaining the predetermined interval of diode energization, whereby actuation of individual groups of the diode array is synchronized with motion of the photoreceptor *(column 6:lines 60-68, should the photoreceptor speed change, the image out portion synchronizes, along with other portions of the system, accordingly to the change in photoreceptor speed, i.e. delays the input of the data signal to the suitable optical means to keep synchronization with the belt)*.

Daniele et al. do not teach the suitable optical means as a light emitting diode array.

However, **Agano** teaches in *column 4:lines 46-53*, optical means as a light emitting diode array.

Accordingly, it would have been obvious to one skilled in the art at the time of the invention to have used the diode array taught by **Agano** in the system taught by **Daniele et al.** because the teachings of **Agano** add more design versatility the optical means design choice of **Daniele et al**.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982);

In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 10 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 4,837,636. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite near-identical features except for minor differences in object names such as "recording member" versus "organic photoconductor member" for example.

Claim 13 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 4,837,636. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite near-identical features except for minor differences in object names such as "recording member" versus "organic photoconductor member" for example.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle Pendergrass whose telephone number is **(571) 272-7438**. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on **(571) 272-7440**.

KING Y. POON
PRIMARY EXAMINER